

Justice Agency Upholds Inquiry By F.B.I. Into Murder of Dr. King

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WASHINGTON Feb. 18—A major review by the Justice Department has concluded that the Federal Bureau of Investigation's inquiry into the murder of the Rev. Dr. Martin Luther King Jr. was "thoroughly, honestly and successfully" conducted, and that the best available evidence suggests that James Earl Ray, the convicted murderer, acted alone.

Yet the report made no effort to offer conclusive evidence on that point. "Proof that others were not involved is here

Excerpts from the report, page 11.

as elusive and difficult as it has universally been in criminal law," it says.

The Justice Department investigators, who made an eight-month review of the F.B.I.'s handling of the case, also concluded that the bureau might have had grounds for starting a security investigation of Dr. King, but that its six-year surveillance was clearly unwarranted.

The investigators said in a report released today that the bureau never developed evidence that Dr. King had any affiliation with the Communist Party, and that it was a personal feud between him and the late J. Edgar Hoover, Director of the F.B.I.—not legitimate national se-

curity concerns—that resulted in the bureau's "determination to discredit Dr. King."

The Justice Department investigation was ordered last April by then Attorney General Edward H. Levi after the Senate Select Committee on Intelligence disclosed that the bureau had engaged in a six-year surveillance of Dr. King that had included the use of wiretaps, electronic bugs and paid informants, and that it had attempted to discredit the civil rights leader by circulating stories about his personal life.

In light of these disclosures, Mr. Levi ordered an investigation to determine whether the bureau might have been in any way involved in Dr. King's assassination, whether its investigation of the murder had been "thorough and honest," and whether there was any new evidence that might warrant reopening the case.

Although not specifically charged with seeking evidence of a conspiracy, the inquiry had to address the question whether the bureau had ignored such evidence in its investigation.

After sorting through more than 200,000 documents and interviewing about 40 witnesses, a group of lawyer-in-

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vestigators headed by Michael E. Shaheen Jr., a Justice Department attorney, concluded that although the F.B.I.'s surveillance of Dr. King had become "twisted," the bureau's subsequent investigation of his murder had been a "credible and thorough job."

In a statement issued today after the release of the 201-page report, Clarence M. Kelley, the F.B.I. Director, said: "I noted with great satisfaction the conclusions of the task force that the F.B.I.'s assassination probe of the Dr. Martin Luther King slaying was 'credible and thorough'; that there was no evidence of a conspiracy, and that the report clearly indicates no complicity on the part of the F.B.I. in this assassination."

The report is not likely to end all speculation that Mr. Ray was only one figure in a broader conspiracy to kill Dr. King. For one thing, the Justice Department investigators concede that it is still not known where Mr. Ray obtained the money he needed to purchase the expensive equipment he bought and to do the extensive traveling he did before the assassination and in the months between

the murder and his arrest.

Arrested 2 Months Later

Dr. King was shot on a motel balcony in Memphis on April 4, 1968. Mr. Ray, who escaped from the Missouri State Penitentiary in 1967 while serving a 20-year sentence for armed robbery, was arrested at London Airport on June 8, 1968, 65 days after the King assassination. He pleaded guilty to Dr. King's murder and is serving a 99-year sentence in Brushy Mountain Prison in Petros, Tenn.

Attorney General Griffin B. Bell said on a television news show last Sunday that the report left some questions unanswered. "I think that if you read the report, you could lean to either side of it," he said. "You could say that there's no evidence of a conspiracy, but you could still wonder...if there happened to be a conspiracy."

Moreover, the release of the report at this time could further cloud the future of the special House committee established to investigate the deaths of President Kennedy and Dr. King, since opponents of that investigation are likely to argue that a further study of the King assassination is likely to be duplicative and unnecessary.

According to a number of House members of both parties, the continued existence of the select committee has been seriously threatened in recent days by the outbreak of an open battle between its chairman, Representative Henry B. Gonzalez, Democrat of Texas, and its chief counsel, Richard A. Sprague.

Comment by U.N. Delegate

Today, however, Andrew Young, the United States delegate to the United Nations, who is a former House member and aide to Dr. King and who was himself under surveillance by the F.B.I. at the same time as Dr. King, said that the report left some questions unanswered and hoped that it would not cause the House to abandon its investigation of the assassination.

The investigation by Mr. Shaheen's group followed an earlier, less extensive investigation by the Justice Department's civil rights division, which Mr. Levi ordered in November 1975.

The report released today says that one recommendation that resulted from the civil rights division's study was that some

consideration should be given to a direct payment to Dr. King's family or to the King Foundation as compensation for the violation of Dr. King's civil rights.

The reason for this, the report said, was that the statute of limitations probably barred any criminal prosecutions, and that for the King family to file a civil suit might "be more embarrassing than helpful," presumably because of the nature of the material in the F.B.I.'s files.

Cost Put at \$200,000

A Justice Department spokesman said today that he did not know what, if anything, might come of this recommendation. He also said he was not certain whether the department would follow a recommendation of the Shaheen group that Congress be asked to pass a bill ordering the destruction of the derogatory material on Dr. King still in F.B.I. files.

The investigation by Mr. Shaheen's group cost an estimated \$200,000 and involved a review not only of the so-called "Murkin file" ("Murkin" is an acronym for "murder of King"), but also of F.B.I. records in 15 cities. It concluded that there were several weak spots in the bu-

reau's investigation, but none serious enough to challenge its conclusions that Mr. Ray killed Dr. King.

The report said that the F.B.I. should have worked harder to obtain information about Mr. Ray from members of his family who may have been in touch with him after Dr. King's murder. And it agrees with some critics of the investigation that the question of where Mr. Ray obtained the money he needed to travel to Europe after the killing is still not fully answered.

The F.B.I. was able to show that Mr. Ray received checks totaling \$664 in 1967, when he was employed as a dishwasher and cook's helper in Winnetka, Ill. But the only explanation it has come up with for his having money for travel and expensive equipment is that he probably committed several robberies or burglaries.

No Backing or Payment

As for a motive, the report relies heavily on testimony from former prison inmates that Mr. Ray was strongly biased against blacks and had suggested repeatedly that he would be willing to kill Dr.

King, particularly if someone would pay him to do it.

The report's conclusion, however, is that the best available evidence is that Mr. Ray killed Dr. King on his own, without the backing of or payment by others.

"We acknowledge that the proof...that others were not involved is here as elusive and difficult as it has universally been in criminal law," the report said.

"But the sum of all of the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved," the report continued. "Of course, someone could conceivably have provided him with logistics, or even paid him to commit the crime. However, we have found no competent evidence upon which to base such a theory."

Although the report concluded that some of the F.B.I. surveillance of Dr. King—which included illegal break-ins, unauthorized buggings and the leaking of derogatory information about his sex life—was "very probably...felonious," it said no agents who took part should be punished.

The report said that the persons who

ordered the activities were either dead or retired from the bureau, and that the few agents still in the bureau who played a role in Dr. King's surveillance were underlings "far removed from decision responsibility."

The report released today is a rewritten, condensed version of the report given to Mr. Levi before he left office last month. John Wilson, a Justice Department spokesman, said, however, that no changes had been made in the group's findings, and that it simply had been edited to delete what he termed "salacious personal material" and certain classified information from the F.B.I.'s files.

Contract Murder Suspect Sought

MIAMI, Feb. 18 (UPI)—The Miami police have issued an arrest warrant for a suspect in what is believed to have been the contract murder of a Bay of Pigs veteran, Alberto Pico, who was shot and killed at a shopping plaza last month. The warrant named a convicted drug dealer, Francisco Marizal, 46 years old, who the police said had been pointed out by "sources in the Cuban community."